



OFFICE OF PROFESSIONAL STANDARDS CIVILIAN POLICE REVIEW BOARD

2020 Semi-Annual Report **January – June**

Cleveland, Ohio



CITY OF CLEVELAND

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Table of Contents

OPS Complaints Filed	4
<i>Complaints Received Per Month</i>	<i>4</i>
<i>How Complaints were Received</i>	<i>4</i>
<i>Categories of Complaints</i>	<i>4</i>
<i>Number of Complaints by Police District</i>	<i>4</i>
<i>Primary allegation and Officer Rank by Police District</i>	<i>7</i>
Status of Complaints	9
<i>Administrative Dismissals and Closures</i>	<i>9</i>
Timeliness	11
Year of Origin for Cases Heard by the CPRB	12
CPRB Dispositions	13
Wearable Camera Systems (WCS) and Case Dispositions	14
Chief and Director's Hearings	16
<i>Discipline Concurrence</i>	<i>16</i>
Characteristics of Complainants	20
Characteristics of CDP Employees	22
Complainant and Officer Demographic Pairings	25

OPS Complaints Filed

Anyone may file a complaint with the Office of Professional Standards (OPS), including subjects of police incidents, recipients of police services, witnesses to a police incident, a third party, a legal representative, an anonymous person, the OPS Administrator, or a member of the CPRB. This section covers the number of complaints received by OPS in the first half of 2020 and their characteristics.

Complaints Received Per Month

The Office of Professional Standards received 133 complaints during the first half of 2020. The month of June was the busiest one with 43 complaints, followed by March with 26, February with 24, and January with 18 complaints. During the month of April, the number of complaints filed with OPS were 15. The least number of complaints were filed during May (6 complaints) (*Figure 1*).

How Complaints were Received

During the first half of 2020, thirty-nine people filed their complaints through the OPS's Website, and twenty-four sent their complaints through Email. Nineteen people filed their complaints by Facsimile while sixteen others visited a police station in their district to file their complaint. Fifteen people visited the premises of the Office of Professional Standards at 205 W. St. Clair Ave to file their complaint in-person. Eleven people used the U.S. Postal Service to send their complaint, and another eight filled their complaints via Phone. Finally, one person filed the complaint through the Mayor's Action Center (MAC), or the Director of Public Safety's Action Center (DAC) (*Figure 2*).

Categories of Complaints

Each complaint received by OPS may include multiple allegations, and each allegation is

investigated. For reporting purposes, the Office of Professional Standards also captures the primary allegation as identified from the narrative the complainants provide in the complaint form or during the interview of the complainant with the investigator.

For the first half of 2020, "Unprofessional Behavior/Conduct" was the primary allegation in the highest number of complaints (41), followed by "Improper Procedure" (31 complaints), "Lack of Service/No Service" (29 complaints), "Excessive Force" (10 complaints), "Harassment" (10 complaints), "Missing/Damaged Property" (5 complaints), and "Biased Policing" (2 complaints) (*Figure 3*).

Number of Complaints by Police District

A breakdown of the 133 complaints by CDP district shows that the third police district received the most complaints (33) in the first half of 2020, followed by the fourth district with 25 complaints, the second district with 21, the fifth with 20, and the first with 14 complaints. As far as the Special Units are concerned, the Homicide Unit received two complaints, whereas the Motorcycle Unit, the Technology Integration Unit, the Accident Investigation Unit, the Airport Unit, the Firearms Training Unit, the Communications Unit, and the Sex Crimes/Child Abuse Unit received one complaint each. Finally, 11 complaints fell outside of the OPS jurisdiction (e.g., the complaint involved allegations against officers of Police Departments from nearby cities, etc.) (*Figure 4*).

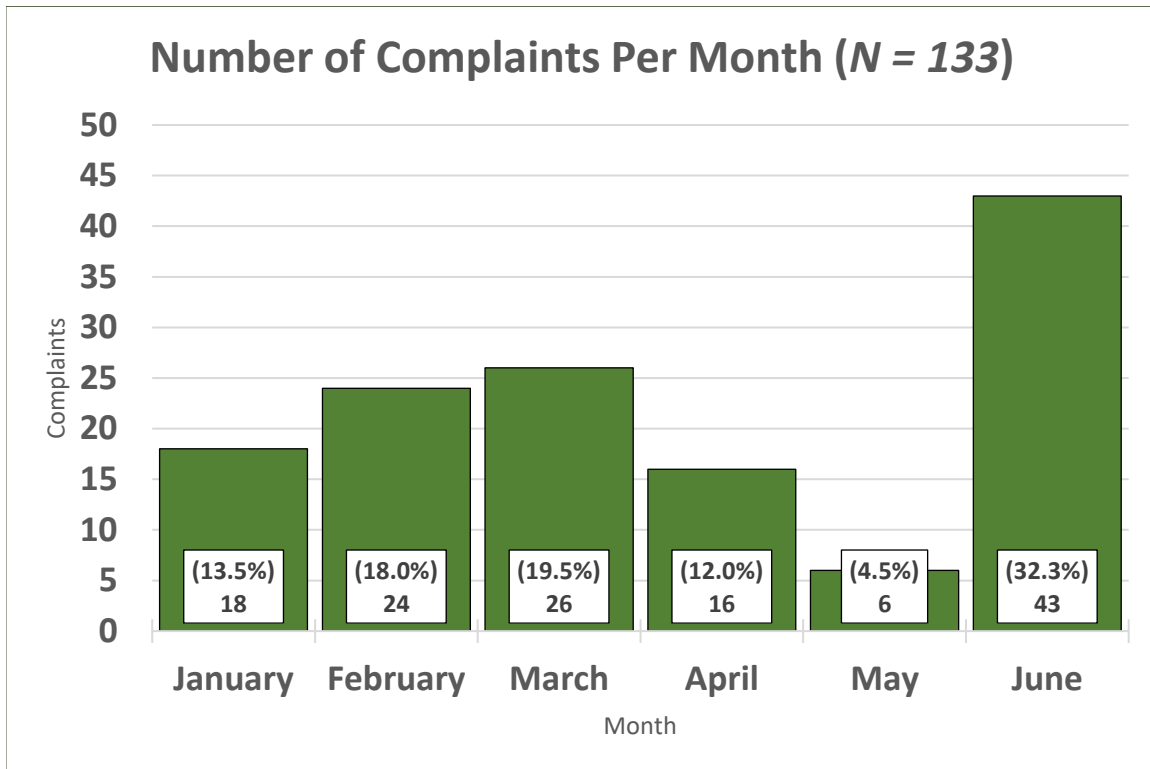


Figure 1: Number of complaints received per month

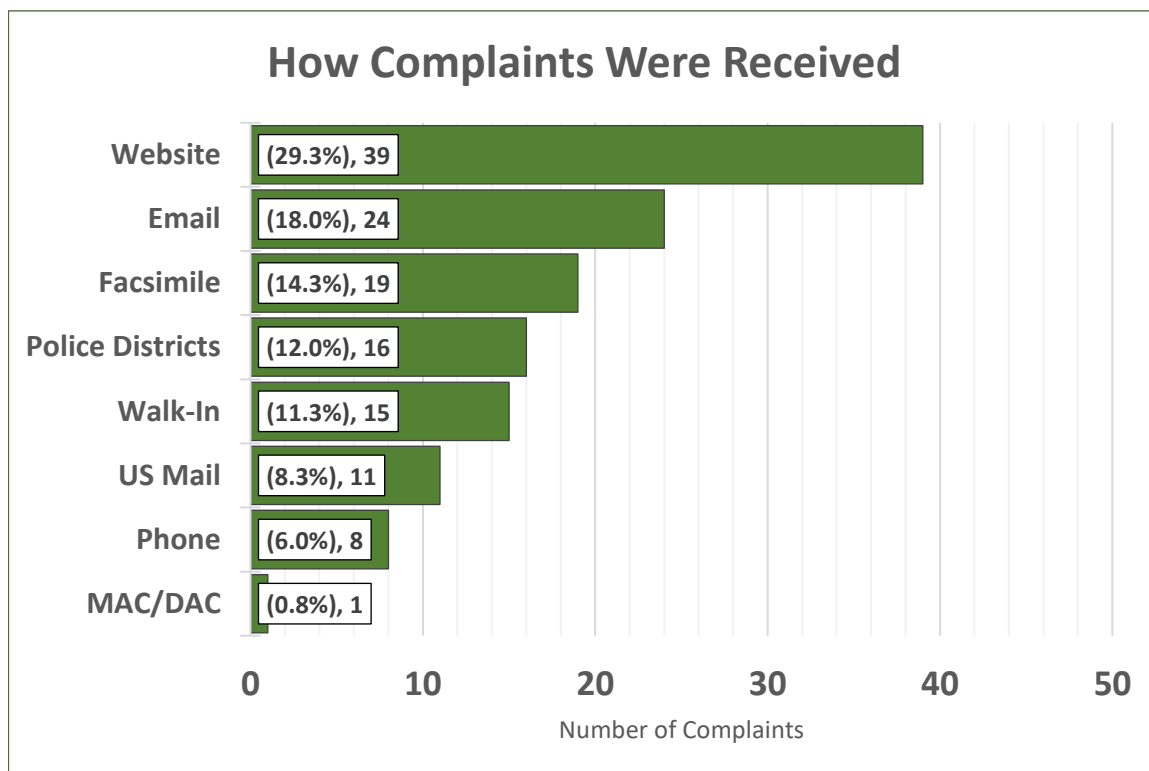


Figure 2: How complaints were received

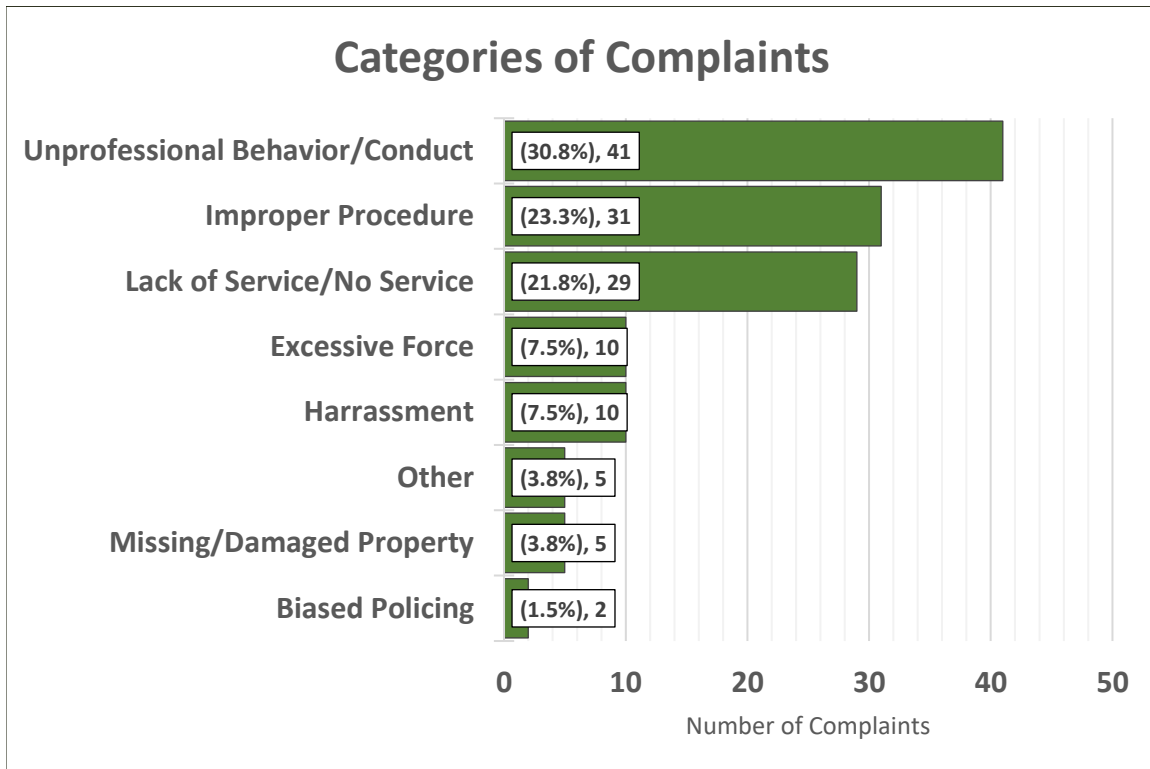


Figure 3: Categories of complaints

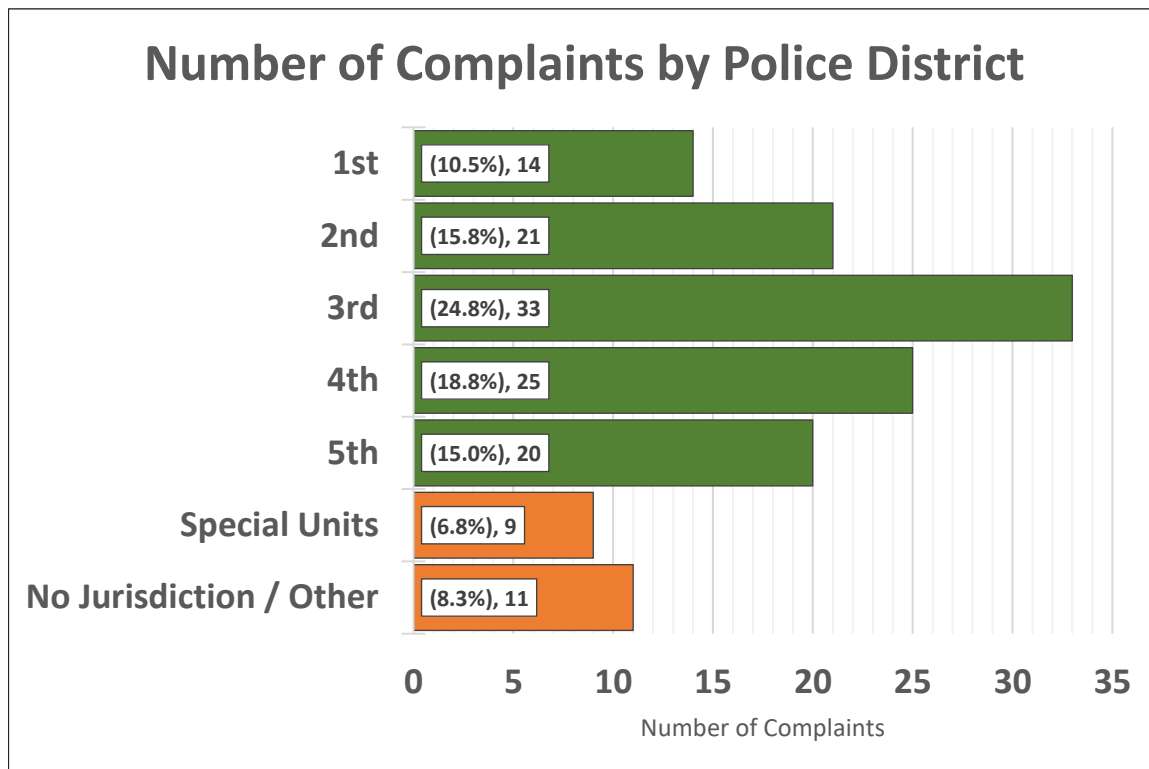


Figure 4: Number of complaints by Police District

Primary allegation and Officer Rank by Police District

Not only the number of complaints but also the type of primary allegations varied by police district during the first half of 2020.

Specifically, “Lack of Service” and “Unprofessional Behavior” were the two most frequent primary allegations against officers of the **first police district** (Table 1). The majority of the officers receiving complaints had the rank of Patrol officer (70 percent), followed by Detective (20 percent) and Sergeant (10 percent).

District 1		
<i>Allegation</i>	<i>#</i>	<i>%</i>
Lack of Service	5	35.7%
Unprofessional Behavior	4	28.6%
Improper Procedure	3	21.4%
Other	2	14.3%
Total	14	100.0%

Table 1: Primary allegations in 1st District

The single most frequent primary allegation against officers of the **second police district** was “Unprofessional Behavior” (Table 2). Patrol officers received most of the complaints (86.4 percent) in the second district, followed by Detectives, Sergeants, and Lieutenants (4.5 percent each).

District 2		
<i>Allegation</i>	<i>#</i>	<i>%</i>
Unprofessional Behavior	8	38.1%
Improper Procedure	3	14.3%
Lack of Service	3	14.3%
Harassment	3	14.3%
Excessive Force	3	14.3%
Missing/Damaged Property	1	4.8%
Total	21	100.0%

Table 2: Primary allegations in 2nd District

The **third police district** had the allegations of “Unprofessional Behavior” and “Improper Procedure” as the two most frequent (Table 3). Patrol officers received the majority of complaints (78.6 percent) in this district as well, followed by Sergeants (21.4 percent).

District 3		
<i>Allegation</i>	<i>#</i>	<i>%</i>
Unprofessional Behavior	12	36.4%
Improper Procedure	7	21.2%
Lack of Service	6	18.2%
Excessive Force	5	15.2%
Harassment	2	6.1%
Missing/Damaged Property	1	3.0%
Total	33	100.0%

Table 3: Primary allegations in 3rd District

The two most frequent allegations against officers of the **fourth police district** were “Lack of Service” and “Improper Procedure” (Table 4). Patrol officers received most of the complaints (73.9 percent), followed by Detectives and Sergeants (13.0 percent each).

District 4		
<i>Allegation</i>	<i>#</i>	<i>%</i>
Lack of Service	9	36.0%
Improper Procedure	7	28.0%
Missing/Damaged Property	3	12.0%
Unprofessional Behavior	2	8.0%
Harassment	2	8.0%
Bias Policing	1	4.0%
Other	1	4.0%
Total	25	100.0%

Table 4: Primary allegations in 4th District

The **fifth police district** had the allegations of “Unprofessional Behavior” and “Improper Procedure” as the two most frequent (Table 5). In terms of officer rank, Patrol officers

received most of the complaints (78.3 percent), followed by Sergeants (13 percent), and Detectives (8.7 percent).

District 5		
<i>Allegation</i>	<i>#</i>	<i>%</i>
Unprofessional Behavior	7	35.0%
Improper Procedure	6	30.0%
Lack of Service	5	25.0%
Excessive Force	1	5.0%
Other	1	5.0%
Total	20	100.0%

Table 5: *Primary Allegations in 5th District*

Finally, **Special Units** had “Unprofessional Behavior” as the most frequent primary allegation (Table 6). In terms of rank, Patrol officers received most of the complaints (83.3 percent), followed by the rank of Detective (6.7 percent), Sergeant, Dispatcher, and Traffic Controller (3.3 percent each).

Special Units		
<i>Allegation</i>	<i>#</i>	<i>%</i>
Unprofessional Behavior (Against the: Accident Investigation Unit; Airport Unit; Firearms Training Unit; Communications Unit; Sex Crimes/Child Abuse Unit)	5	55.6%
Harassment (Against the: Technology Integration Unit)	1	11.1%
Lack of Service (Against the: Homicide Unit)	1	11.1%
Improper Procedure (Against the: Motorcycle Unit)	1	11.1%
Bias Policing (Against the: Homicide Unit)	1	11.1%
Total	9	100.0%

Table 6: *Primary Allegations in Special Units*

Status of Complaints

Of the 133 complaints filed with OPS during the first half of 2020, 33 cases had been closed and 100 remained active as of the end of June 2020. Of the cases that were closed, 5 had received full investigation and had been heard by the CPRB. Another 3 cases also had received full investigation and were waiting for CPRB hearing as of the end of June 2020 (*Figure 5*).

Administrative Dismissals and Closures

The Office of Professional Standards **Administratively dismisses** cases when:

1. The individual complained of is not a CDP employee;
2. The employee referenced in the complaint cannot be identified despite the best efforts of the agency;
3. The preliminary investigation reveals that the delay in police services was due to workload or otherwise unavoidable;
4. The complaint involves off-duty conduct of a civil nature (unless the alleged conduct, or its effects, constitute misconduct or have a substantial nexus to the officer's City employment);
5. The complaint concerns the receipt of a uniform traffic ticket and/or parking infraction notice without any additional claims of racial profiling, illegal search, excessive force, or other allegations within OPS's jurisdiction.

In addition to the Administrative Dismissal process, cases may also be **Administratively Closed**. In administrative closure cases may be closed in order to merge or consolidate multiple related cases, when OPS has received duplicate complaints or when a case is opened in error. Cases are merged and consolidated when multiple complaints are received raising the same facts or arising from the same occurrence such that a collective investigation of both complaints would be most effective under the circumstances.

The number of cases that were administratively dismissed in the first half of 2020 was 12, and administratively closed 11 (*Figure 5*). The reasons for the administrative dismissals and closers varied. Specifically, 10 cases were dismissed because OPS had no jurisdiction (i.e., the complaints fell outside the categories mentioned in OPS Operational Manual §102), 4 because the employee referenced in the complaint could not be identified despite the best efforts of the investigator, 4 cases because the complaint concerned the receipt of a uniform traffic ticket and/or parking infraction (without any additional claims of misconduct from a CDP employee), 2 cases because no misconduct was alleged in the complaint (see, OPS Operational Manual §204), and 1 case because the officer involved was not a Cleveland Department of Police employee. Finally, OPS administratively closed 2 cases because they were duplicates (*Figure 6*).

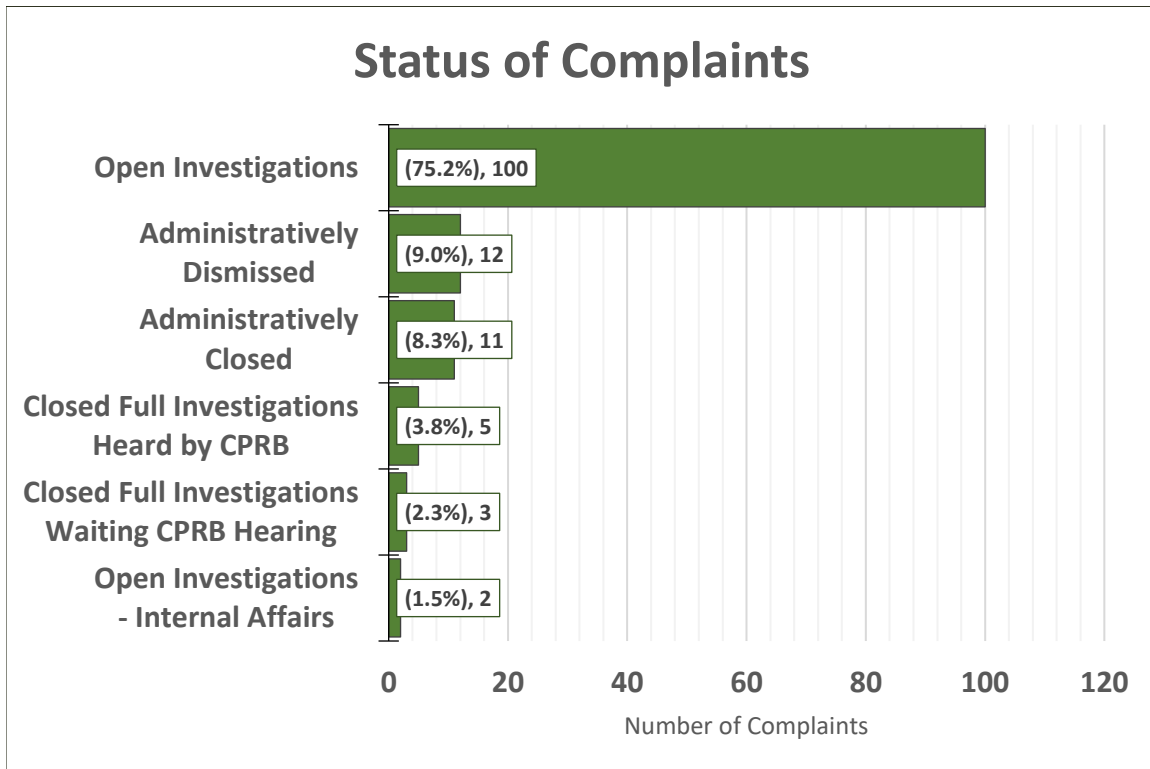


Figure 5: Status of complaints as of June 30, 2020

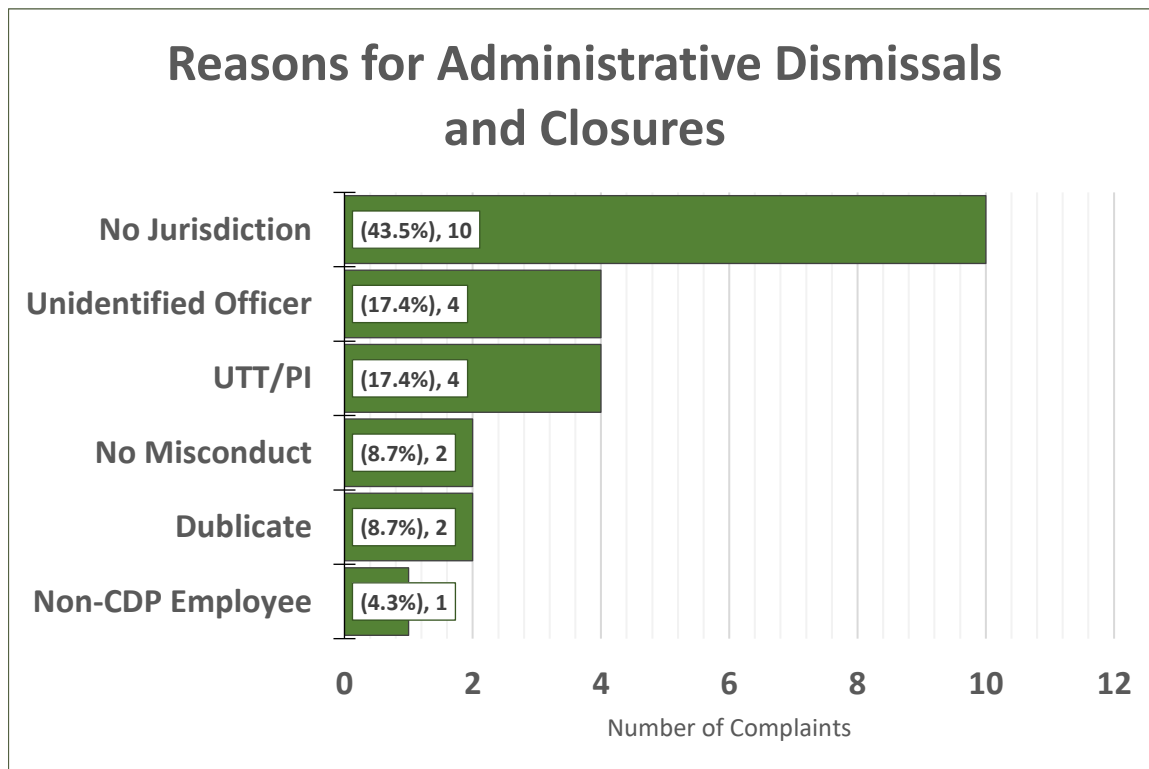


Figure 6: Reasons for administrative dismissals and closures

Timeliness

The timeliness of investigations is a continuing priority for the Office of Professional Standards. Timeliness depends upon several aspects, including but not limited to: the number and complexity of the complaints filed; the existence and size of case backlogs; staffing; DA holds and other procedural gaps in investigation, and; the timetable in which documents and other evidentiary requests are met by external sources.

Out of the 31 cases that were closed in the first half of 2020, in 19 of them the investigation was closed within 30 days and in 7 the investigation was closed within 60 days. The rest of the investigations were completed in more than 61 days. The average (i.e., median) days for an investigation to be completed in the first half of 2020 was 15 days. (*Figure 7*).

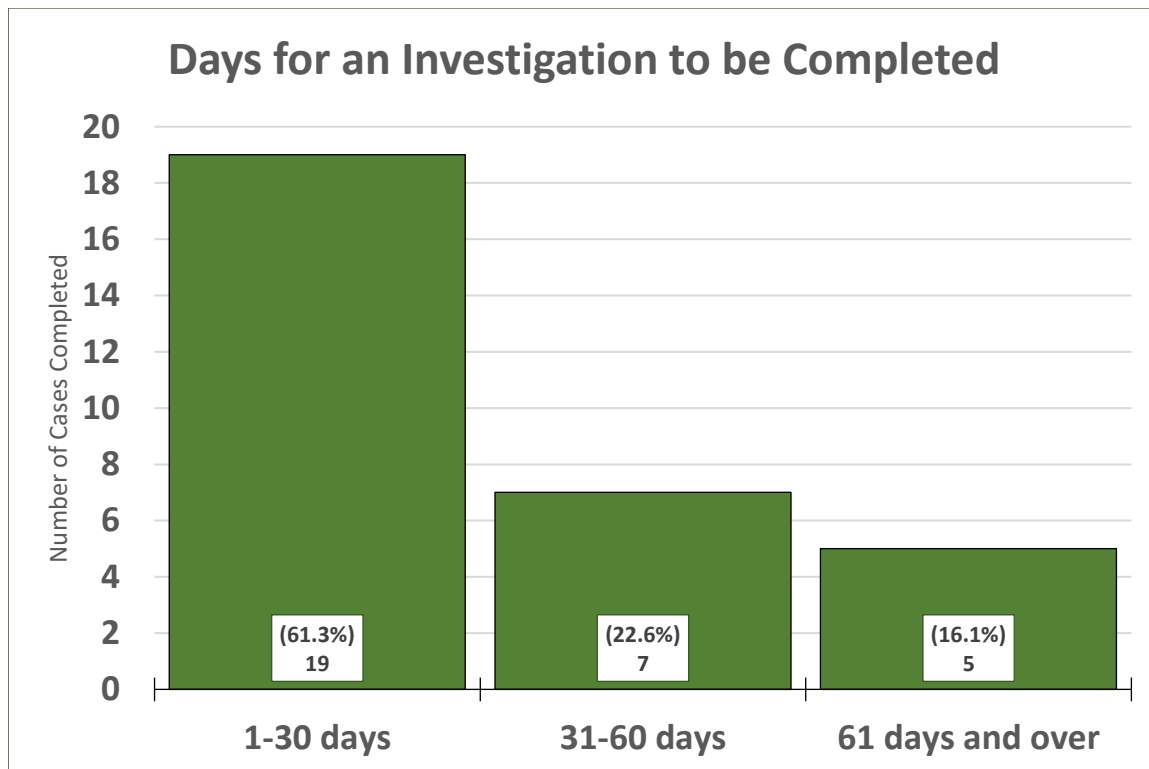


Figure 7: Days for an Investigation to be completed

Year of Origin for Cases Heard by the CPRB

In the first half of 2020, the CPRB adjudicated 37 complaints based on OPS investigations. Of those complaints, 6 (16.2 percent) were filed

in 2018, 26 (70.3 percent) in 2019, and 5 (13.5 percent) in 2020 (*Figure 8*).

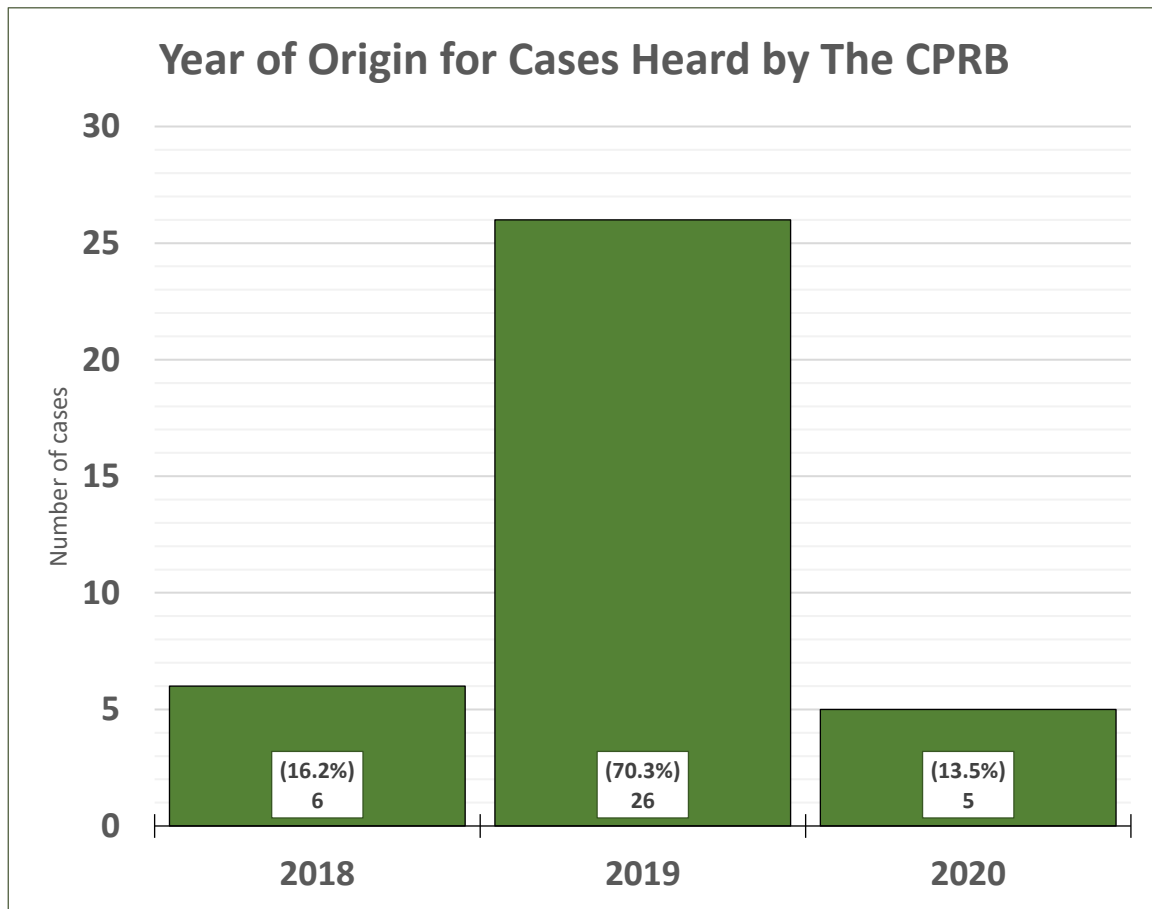


Figure 8: *Year of Origin for Cases Heard by the CPRB*

CPRB Dispositions

Each complaint can involve one allegation or (what is more common) multiple allegations. Table 7, below, presents information about all 101 allegations introduced in the 37 complaints that were heard by the CPRB in the first half of 2020. In 24 of the 101 allegations (or 23.8 percent) the CPRB suggested sustained findings to the Chief of Police, whereas in 38 allegations (or 37.6 percent) the Board exonerated the officer. Further, in 22 allegations (or 21.8 percent) the Board decided that the allegations were unfounded and in 17 allegations (or 16.8 percent) decided that the evidence presented

were insufficient to determine whether misconduct had occurred.

As far as type of allegation is concerned, the Board sustained 27.8 percent of the "Unprofessional Behavior/Conduct", 26.7 percent of the "Improper Procedure", and 17.4 percent of "Lack of Service/No Service" allegations. In the first quarter of 2020, the Board sustained 1 "Excessive Force" and 1 "Missing/Damaged Property" allegation and did not sustain any of the "Biased Policing" allegations.

Table 7: CPRB Dispositions

Type of Allegation	Disposition				Total Allegations
	Sustained	Exonerated	Unfounded	Insufficient Evidence	
Unprofessional Behavior / Conduct	10 (27.8%)	5 (13.9%)	12 (33.3%)	9 (25.0%)	36
Improper Procedure	8 (26.7%)	18 (60.0%)	1 (3.3%)	3 (10.0%)	30
Lack of Service / No Service	4 (17.4%)	11 (47.8%)	5 (21.7%)	3 (13.0%)	23
Excessive Force	1 (100.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	1
Biased Policing	0 (0.0%)	0 (0.0%)	4 (66.7%)	2 (33.3%)	6
Missing Property	1 (20.0%)	4 (80.0%)	0 (0.0%)	0 (0.0%)	5
Total	24 (23.8%)	38 (37.6%)	22 (21.8%)	17 (16.8%)	101

Wearable Camera Systems (WCS) and Case Dispositions

Overview

Cleveland Division of Police (CDP) started a pilot Wearable Camera System (WCS) in June 2014¹. Since December 2016, WCSs are mandatory for all members who have been issued a WCS². Specifically, CDP policy requires officers to activate WCSs prior to responding to all calls for service, during all investigative or enforcement contacts with the public, or other contact with the public that may or does become adversarial after the initial contact³.

Officer Compliance with WCS Policies

In the first half of 2020, 73.0 percent of cases that went before the CPRB had relevant WCS video. There are several reasons why an OPS case might not have WCS footage. It might be, for instance, because the officer(s) involved had not been issued a WCS or because the officer(s) did not activate the WCS during the incident. Some other cases do not involve WCS footage because the incident took place over the phone/online or because the officer was working off duty, etc.

The Office of Professional Standards has full access to all CDP WCS videos that are relevant to OPS investigations. If, during the investigation, OPS determines that the officer(s) involved had been issued WCS but did not activate it as required, then OPS has the ability to charge the officer(s) with the

additional violation of failure to activate WCS (i.e., for violation of General Police Order (GPO) 3.2.20). From the 37 cases that went before the CPRB in the first half of 2020, only 2 cases had additional violations for failure to activate WCS.

Impact of WCSs

The availability and access of WCS footage that illustrates the actions and conduct of officers and complainants has been a powerful accountability tool. *Figure 9* presents how WCS footage affected the disposition of cases in the first half of 2020. It is evident that WCS video footage helped the CPRB reach a conclusive finding in more than 67.1 percent of cases (compared to only 50.0 percent without WCS video footage).

Specifically, the existence of WCS footage:

- Increased by more than 107 percent the chances that an allegation against a CDP employee will be sustained.
- Increased by almost 10 percent the chances that a CDP employee will be exonerated.
- Increased by 100 percent the chances that an allegation against a CDP employee will be unfounded.
- Reduced by almost 79 percent the chances that the CPRB will not have sufficient evidence to make a determination (see *Figure 9*).

¹ See CDP Divisional Notice 14-226 and General Police Order (GPO) 3.2.20.

² See CDP Divisional Notice 16-372. It should be noted that CDP officers in the Swat team and Gang unit have not been issued WCSs.

³ General Police Order (GPO) 3.2.20, page 2.

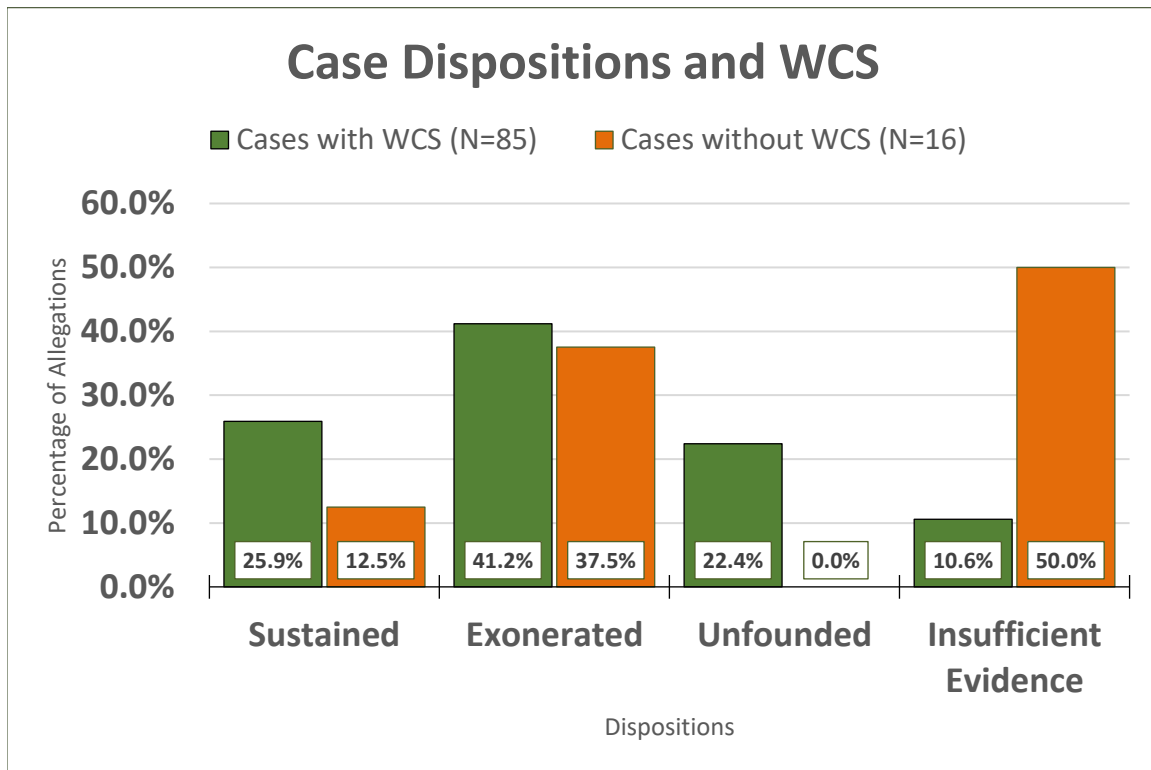


Figure 9: Case Dispositions and Wearable Camera Systems (WCS)

Chief and Director's Hearings

In the last months of 2019⁴ and during the first half of 2020, 28 cases had a Chief's or Director's disciplinary hearing and some form of discipline or reinstruction was imposed in 26 of those cases. Specifically, the Chief issued days of suspension in 15 cases and a letter of reprimand and/or reinstruction in 10 cases. In 4 cases the Chief dismissed (at least one of) the allegations in the case. The CPRB appealed 3 cases to the Director. In 2 of those cases the Director differed from the Chief's decision and issued some form of discipline, and in 1 case the Director upheld the Chief's decision.

From Table 8, we see that in 75 percent of the time the Chief's discipline was in concurrence with the discipline recommended by the CPRB. The Director's discipline was in concurrence with the discipline recommended by the CPRB 67 percent of the time.












Discipline Concurrence











The Office of Professional Standards tracks whether or not the discipline imposed by the Chief and/or the Director was in concurrence with that recommended by the CPRB.











Discipline Concurrence means that the Chief or Director agreed with the Group Level of discipline recommended by the CPRB. When the Chief's or Director's discipline is of a lesser Group Level than that recommended by the CPRB, the discipline is not in concurrence. The CPRB does not take a position concerning the number of suspension days or any penalty differences falling within the same Group Level.

⁴ Due to the time it takes for the whole disciplinary process to conclude (and a final disposition letter to be issued), these cases were not able to be included in last year's annual report. Thus, we incorporate them in this report.

Table 8: Case Summaries and Discipline Concurrence

Case	Allegations Sustained by CPRB	CPRB Discipline Recommendation	Result of Chief's Hearing	Chief's Discipline Concurrence	Result of Director's Hearing	Director's Discipline Concurrence
15-036	Unprofessional Conduct	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
15-075	Lack of Service	Group I	Dismissed the Allegations	 No Discipline	-	-
15-118	Improper Citation; Unprofessional Conduct	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
15-177	Weapons Violation	Group II	Dismissed the Allegations	 No Discipline	-	-
15-263	Lack of Service	Group I	Issued a 1-day Suspension	 Discipline Concurrence	-	-
16-008	Lack of Service; Unprofessional Conduct	Group II	Issued a 10-day Suspension	 Discipline Concurrence	-	-
16-159	Unprofessional Conduct	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
16-161	Missing Property	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
16-174	Missing Property	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
16-204	Lack of Service	Group II	Issued a 6-day Suspension	 Discipline Concurrence	-	-
16-206	Unprofessional Conduct; Social Media Policy	Group II	Issued a 6-day Suspension	 Discipline Concurrence	-	-

17-071	Illegal Parking	Group I	Issued a 10-day Suspension	 Discipline Concurrence	-	-
17-089	Unprofessional Conduct	Group II	Issued a 4-day Suspension	 Discipline Concurrence	-	-
18-086	Wearable Camera System Violation	Group I	Issued a 8-day Suspension	 Discipline Concurrence	-	-
18-088	Unprofessional Conduct; Wearable Camera System Violation	Group I	Issued a 2-day Suspension	 Discipline Concurrence	-	-
18-131	Unprofessional Conduct; Lack of Service	Group II	Issued a 9-day Suspension	 Discipline Concurrence	-	-
18-166	Lack of Service; Unprofessional Conduct	Group I	Issued a 2-day Suspension for the Lack of Service Allegation Dismissed the Unprofessional Conduct Allegation	 Discipline Difference	(The CPRB Appealed the case to the Director) Upheld the Chief's Dismissal	 No Discipline
18-177	Lack of Service	Group II	Issued a Written Reprimand	 Discipline Difference	-	-
18-181	Improper Citation; Duty Report Violation	Group I	Dismissed the Improper Citation Allegation Issued a Written Reprimand	 Discipline Difference	(The CPRB Appealed the case to the Director) Issued a 2-day suspension	 Discipline Concurrence

18-208	Excessive Force; Failure to Complete a Force Report Violation	Group III	Dismissed the Allegations	 No Discipline	<i>(The CPRB Appealed the case to the Director)</i> Issued a 15-day suspension	 Discipline Concurrence
18-227	Lack of Service; Wearable Camera System Violation	Group I	Issued a 1-day Suspension	 Discipline Concurrence	-	-
19-006	Lack of Service; Unprofessional Conduct	Group II	Issued a Written Reprimand	 Discipline Difference	-	-
19-094	Unprofessional Conduct; Wearable Camera System Violation	Group I	Issued a 1-day Suspension and a Written Reprimand	 Discipline Concurrence	-	-
19-100	Unprofessional Conduct	Group I	Issued a Written Reprimand	 Discipline Concurrence	-	-
19-106	Unprofessional Conduct	Group II	Issued a 4-day Suspension	 Discipline Concurrence	-	-
19-107	Unprofessional Conduct	Group II	Issued a 6-day Suspension and a Written Reprimand	 Discipline Concurrence	-	-
19-124	Lack of Service	Group I	Issued a letter of reinstruction	 Discipline Concurrence	-	-
19-178	Lack of Service	Group II	Issued a 6-day Suspension	 Discipline Concurrence	-	-
Total				75% Concurrence		67% Concurrence

Characteristics of Complainants

In terms of race, 50.4 percent of the complainants in the first half of 2020 were black, with white complainants being the second largest category with 20.3 percent (*Figure 10*)⁵.

In terms of gender, the slight majority of complaints in the first half of 2020 were filed by females (50.4 percent) (*Figure 11*).

Finally, in terms of age, most complaints were filed by people between the ages of 40 to 49 (28.4 percent), followed by the age groups 30 to 39 (21.1 percent), and 20 to 29 (19.3 percent) (*Figure 12*). The average age of complainants in the first half of 2020 was 42 years of age.

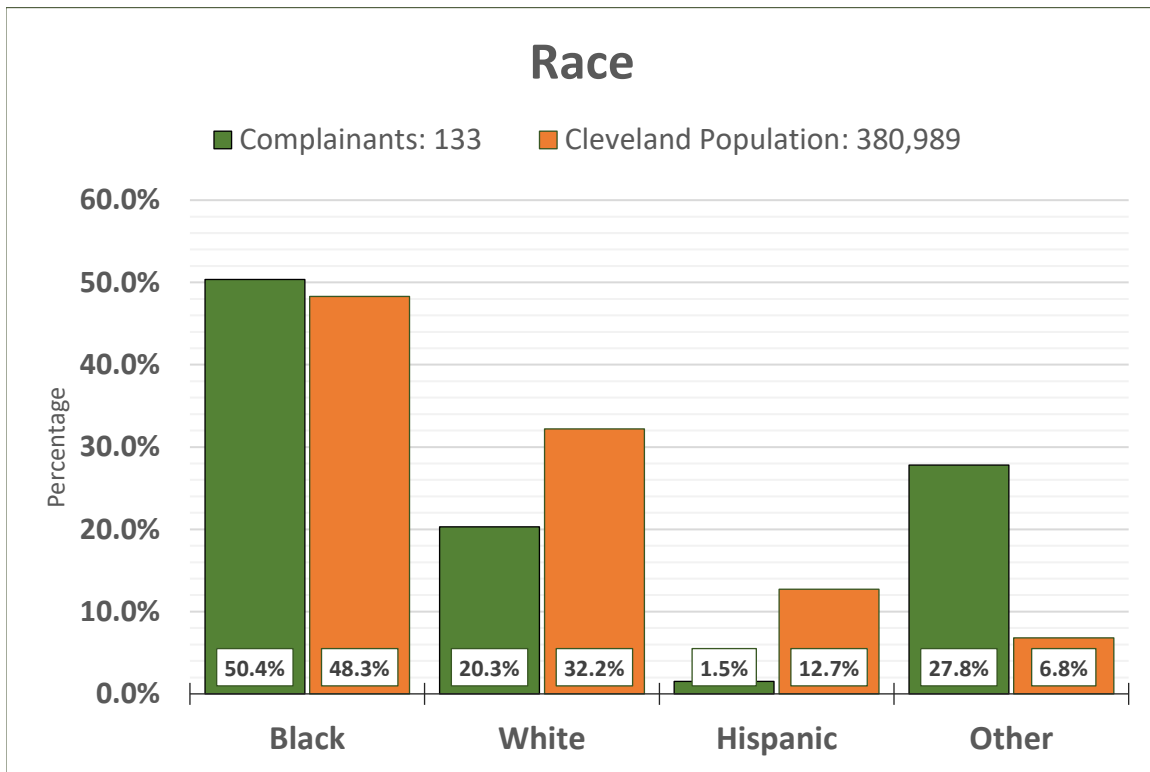


Figure 10: Race of complainants as compared to the Cleveland population

⁵ The Cleveland population statistics are based on the 2019 American Community Survey (ACS) 1-year Estimates. For more information see: <https://data.census.gov/cedsci/> (Tables: DP05, S0101, S0601).

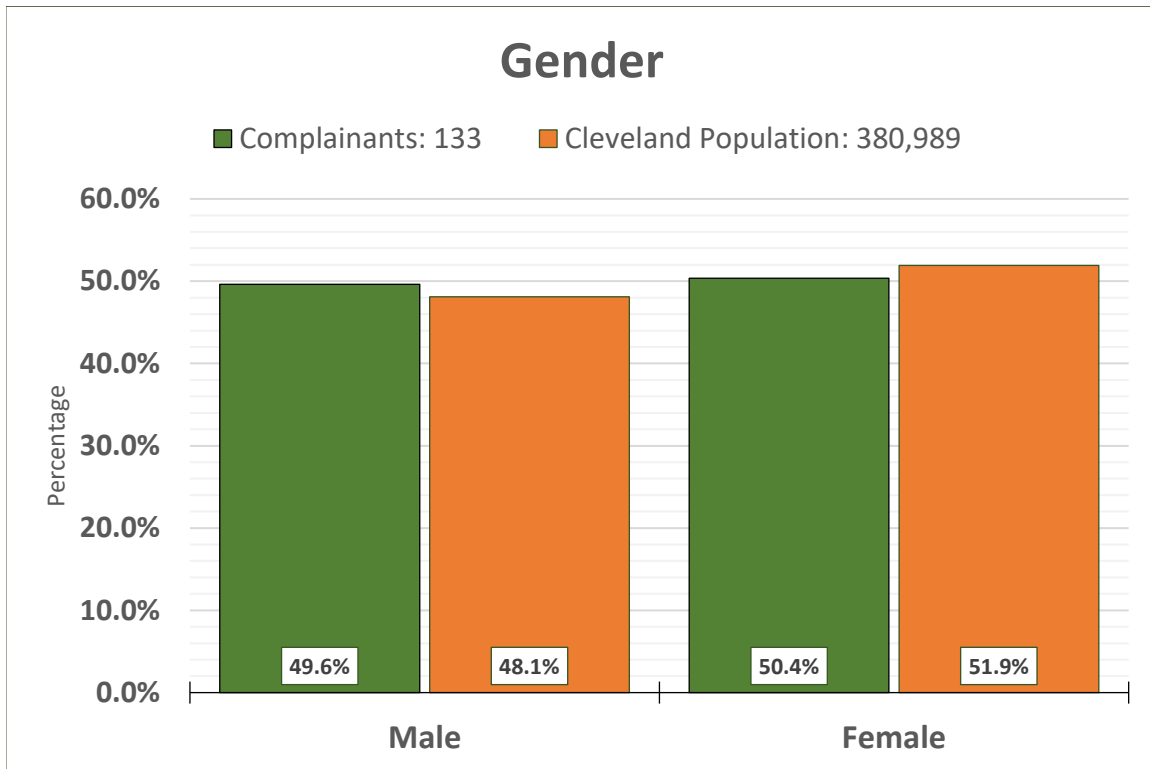


Figure 11: Gender of complainants as compared to the Cleveland population

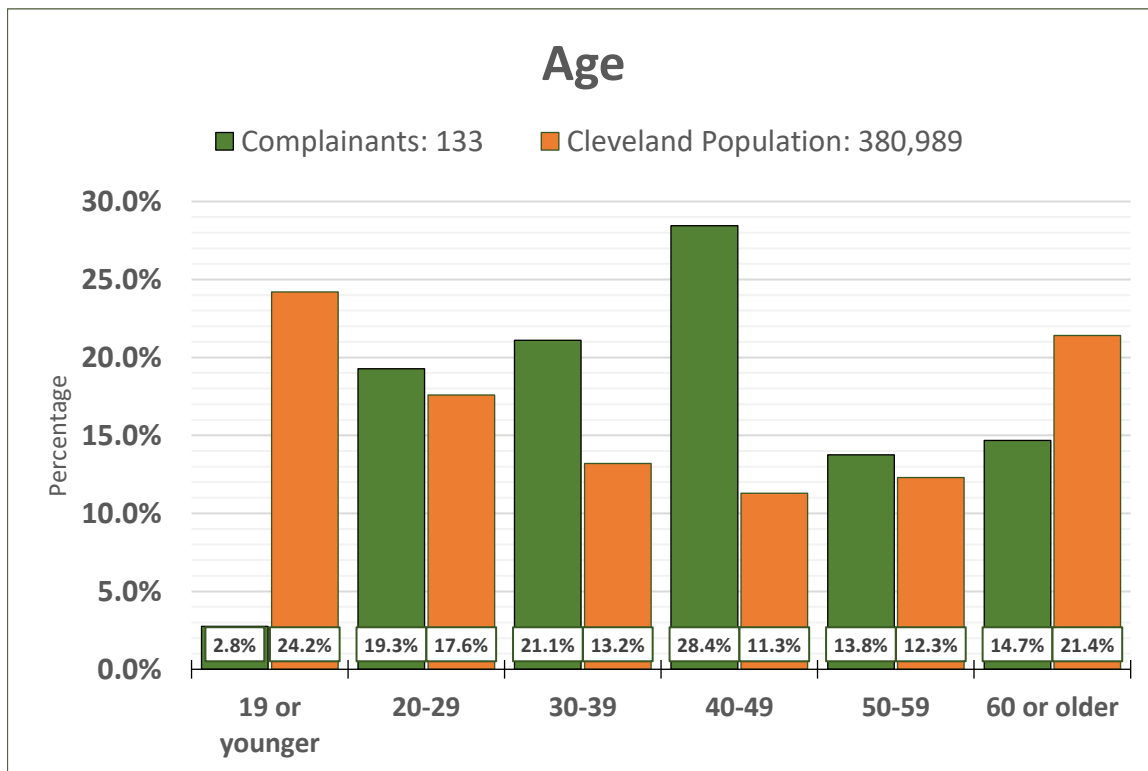


Figure 12: Age of complainants as compared to the Cleveland population

Characteristics of CDP Employees

A total of 124⁶ officers received complaints in the first quarter of 2020, with 10 officers receiving two complaints.

In terms of race, White CDP employees received the majority of complaints (71.8 percent), while Blacks and Hispanics followed with 20.2 percent and 5.6 percent respectively (*Figure 13*).

In terms of gender, males received the vast majority of complaints (88.7 percent) (*Figure 14*).

In terms of age, the groups that received the majority of the complaints were 30-39 (32.3 percent), 20-29 (30.6 percent), and 50-59 years of age (17.7 percent) (*Figure 15*).

Finally, in terms of tenure, CDP employees with 1-5 years (50.8 percent) and those with 6-10 years (13.7 percent) on the job were the groups receiving most of the complaints in the first half of 2020 (*Figure 16*).

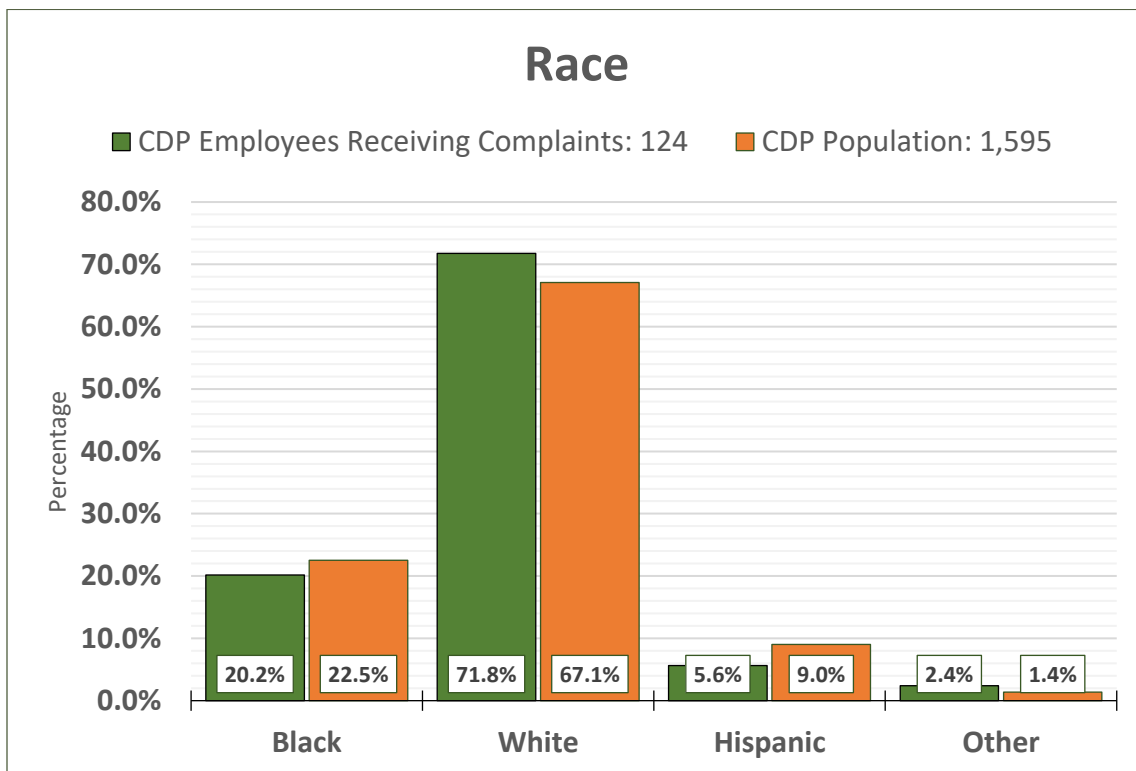


Figure 13: Race of CDP employees receiving complaints as compared to the CDP population

⁶ In a number of OPS cases, the exact number of involved officers in the complaint has not been finalized as of the writing of this report. So, it is reasonable to assume that this number is going to change upwards as the investigations progress.

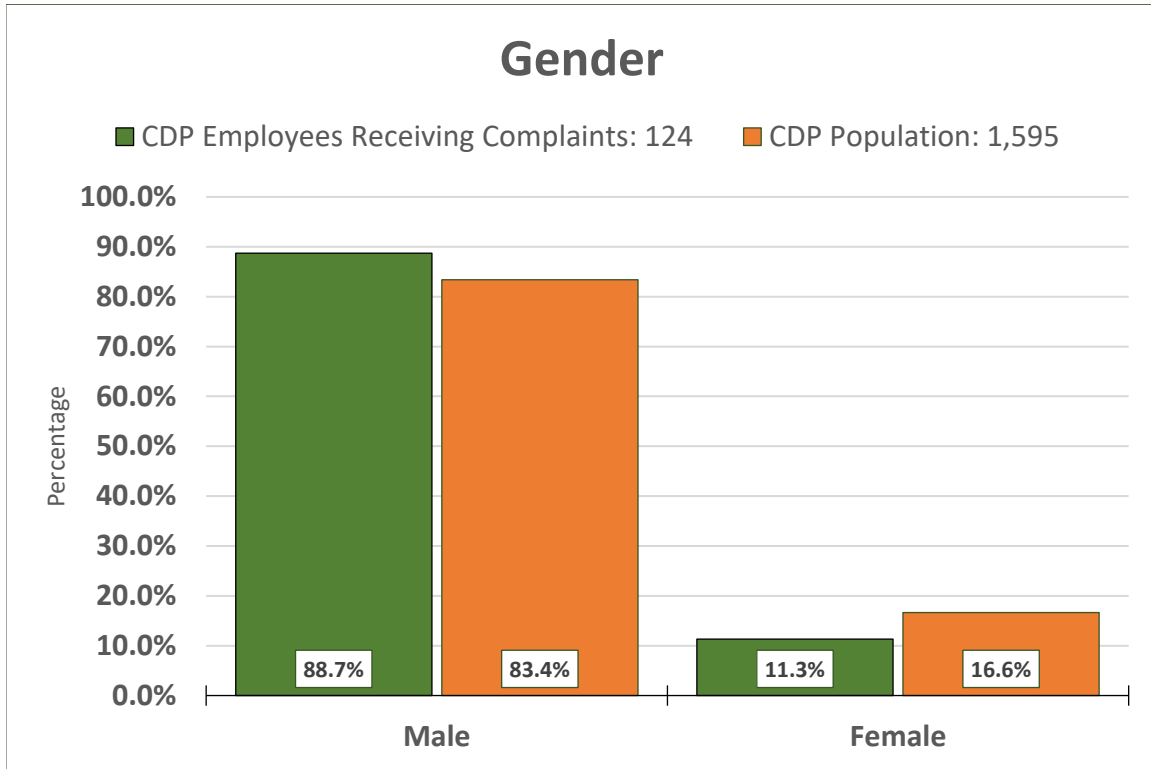


Figure 14: Gender of CDP employees receiving complaints as compared to the CDP population

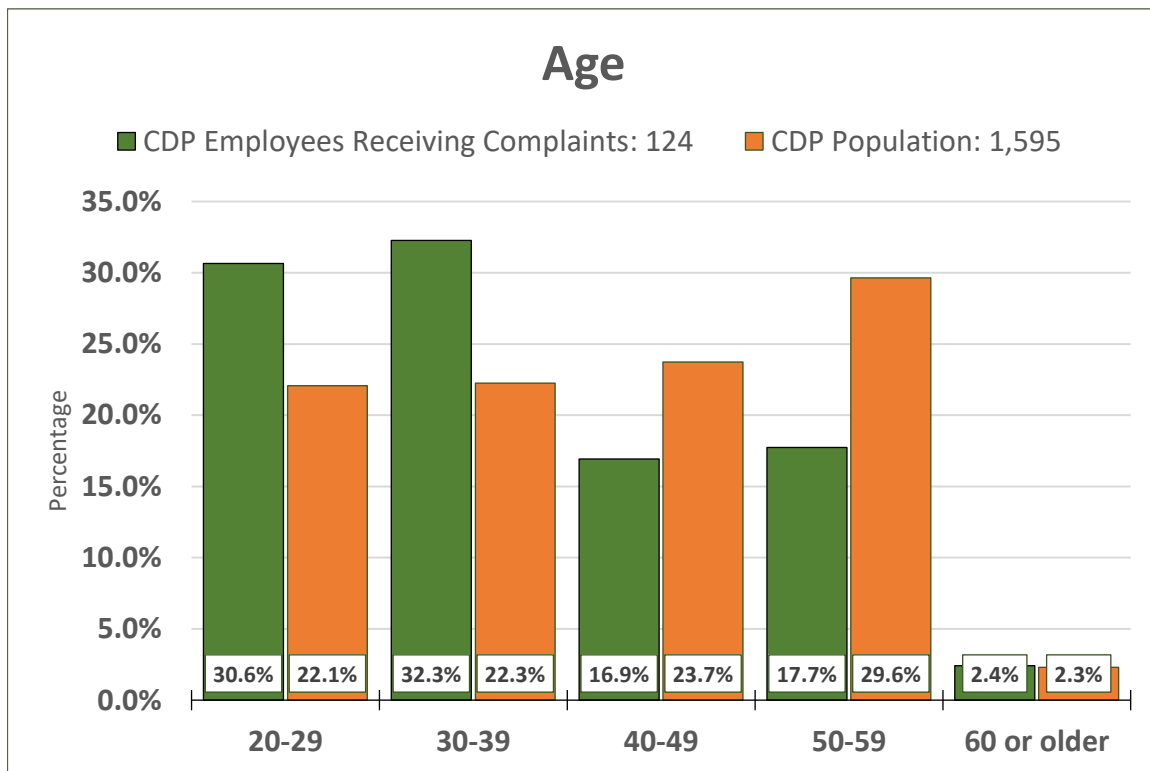


Figure 15: Age of CDP employees receiving complaints as compared to the CDP population

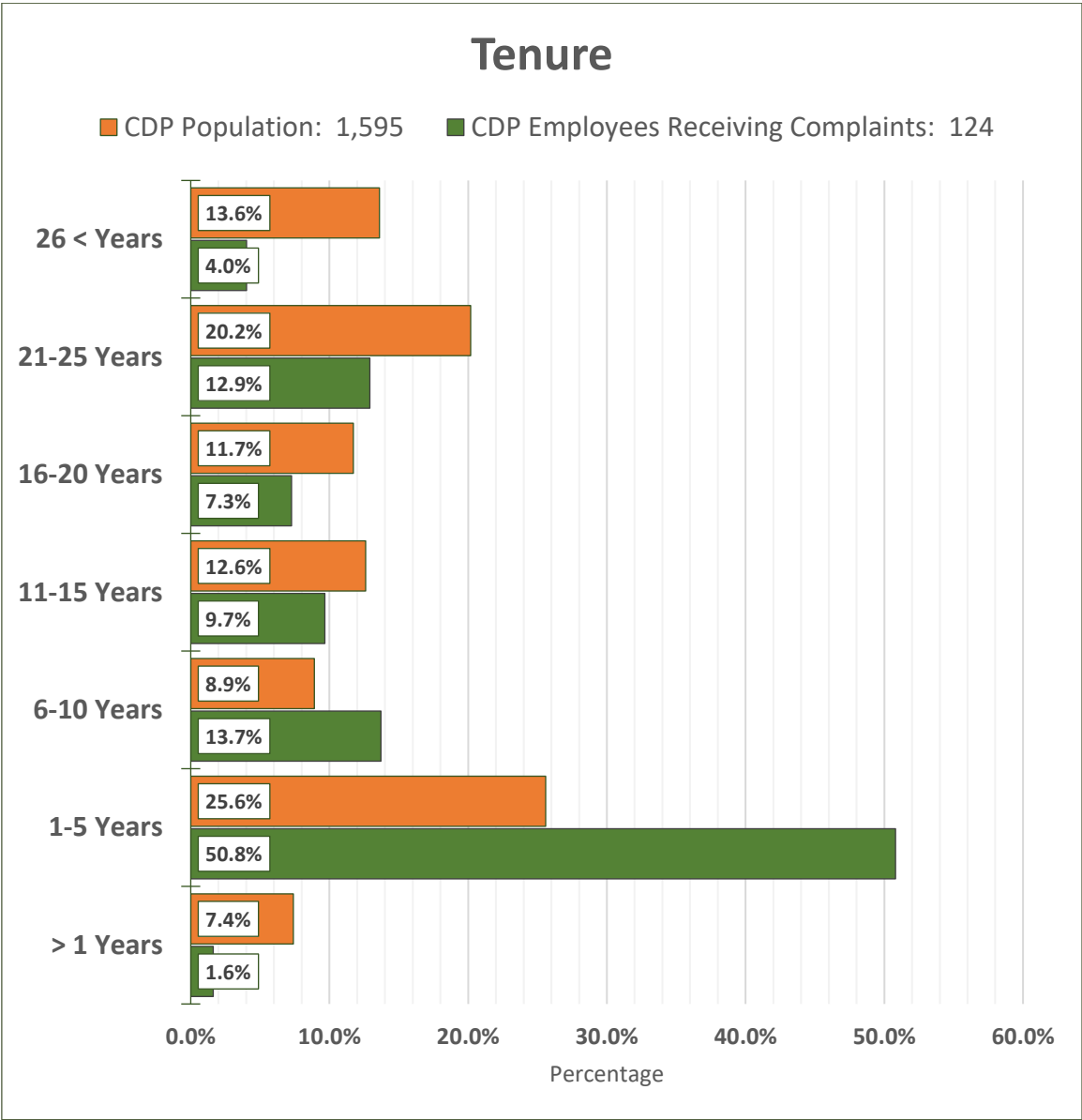


Figure 16: Tenure of CDP employees receiving complaints as compared to the CDP population

Complainant and Officer Demographic Pairings

The most frequent complainant-officer pairings in the first half of 2020, were black complainants filing complaints against white officers, which accounted for 56.2 percent of the complaints received. White complainants filing complaints against white officers

accounted for 16.2 percent of all complaints received, and black complainants filing complaints against black officers accounted for 15.2 percent of all complaints received (*Figure 17*).

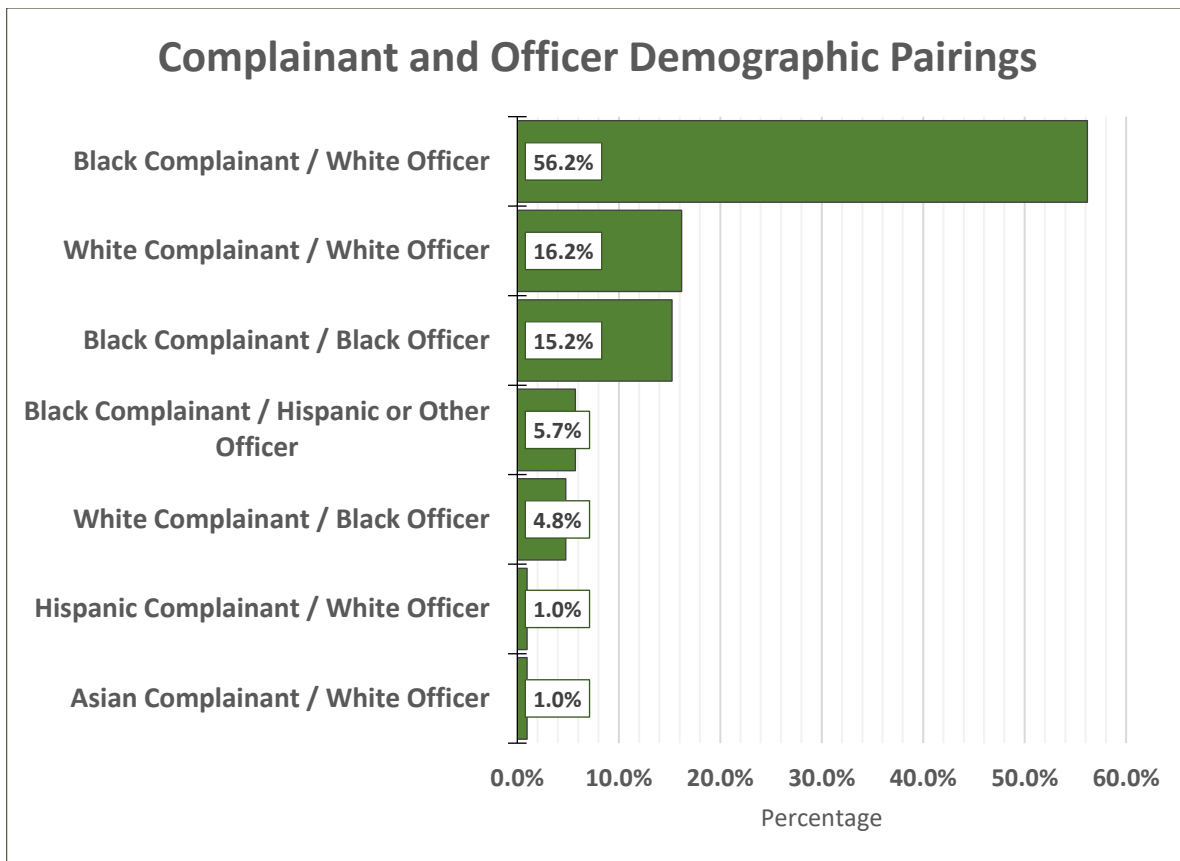


Figure 17: *Complainant and officer demographic pairings*



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